# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/825,669 | 04/16/2004 | Dieter Brueckner | Q77546 | 8501 |

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| EXAMINER |
|---|
| MAHMOUDZADEH, NIMA |

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| 2619 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| :--- | :--- | :--- |
| **Office Action Summary** | 10/825,669 | BRUECKNER ET AL. |
| | **Examiner** | **Art Unit** | |
| | NIMA MAHMOUDZADEH | 2619 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _04/16/2004_.

2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-22_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _16 April 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All    b)☐ Some *   c)☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

# DETAILED ACTION

## *Priority*

1.    Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d).  The certified copy has been filed in parent Application No.

10150672.4, filed on Oct. 17, 2001.

## *Claim Rejections - 35 USC § 102*

2.    The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.    Claims 1, 2, 4, 5, 8-10, 12, 13, 16, 17, 19, 20, and 22 are rejected under 35

U.S.C. 102(e) as being anticipated by Pelissier (US Patent No. 6,850,513).

**Regarding claim 1,** Pelissier teaches a subscriber for a communication system

for transmitting and receiving data telegrams (Fig. 2), wherein each of the data

telegrams has reference data and an identifier (Column 2, lines 65-67 also, column 4,

line 1), wherein a control of transmitting and receiving the data telegrams is based on

check data records, wherein a respective one of the check data records has an address

for the reference data and the identifier of a respective one of the data telegrams that is

assigned to the respective one of the check data records (Based on classification of the

packet and by utilizing existing forwarding tables datagrams can be transmitted or

received. See Column 3, lines 32-67), the subscriber comprising:

a transmission list, which includes a first number of the check data records

(classification table has the same functionality as transmission list. See column 3, lines

60-67);

a circuit unit configured to generate one of the data telegrams to be transmitted,

based on one of the first number of check data records in the transmission list (Fig. 1,

202);

a second number of the check data records (Fig. 1, 112 and 113);

an assignment unit configured to assign a received data telegram to one of the

second number of the check data records, wherein the assignment is based on the

identifier of the received data telegram (Based on the classification data 112 or 113 are

selected. See column 3, lines 32-67 and also, Fig. 1, 112 and 113).

**Regarding claim 2,** Pelissier teaches the subscriber as claimed in claim 1,

wherein the communication system comprises at least one of an Ethernet and a real-

time Ethernet (Column 3, lines 53-59).

**Regarding claim 4,** Pelissier teaches the subscriber as claimed in claim 1,

wherein the transmission list has at least one control data record, which determines the

order of processing the first number of the check data records (In order to transmit real-

time data the info should be transmitted in proper sequence. See column 1, lines 30-40

and column 3, lines 53-67).

**Regarding claim 5,** Pelissier teaches the subscriber as claimed in claim 4,

wherein the control data record includes a conditional jump address to a check data

record of the first number of the check data records (Column 6, lines 51-58).

**Regarding claim 8,.** Pelissier teaches the subscriber as claimed in claim 1,

wherein check data records of the second number of the check data records are

stored in groups (Column 6 ,lines 25-31);   ·

wherein access to a check data record is effected by an index (Forwarding tale

being accessed. See column 4, lines 16-20); and

wherein a group of the check data record is determined based on the identifier of

the received data telegram (Column 4, lines 16-20).

**Regarding claim 9,** Pelissier teaches a communication system having a plurality

of subscribers for transmitting and receiving data telegrams (Fig. 2),

wherein each of the data telegrams has reference data and an identifier (Column

2, lines 65-67 also, column 4, line 1);

wherein a control of transmitting and receiving the data telegrams by at least one

of the subscribers is based on check data records (Based on classification of the packet

and by utilizing existing forwarding tables datagrams can be transmitted or received.

See Column 3, lines 32-67);

wherein a respective one of the check data records has an address for the

reference data and the identifier of a respective one of the data telegrams that is

assigned to the respective one of the check data records (Based on classification of the

packet and by utilizing existing forwarding tables datagrams can be transmitted or

received. See Column 3, lines 32-67); and

wherein the at least one subscriber comprises:

a transmission list, which includes a first number of the check data records

(classification table has the same functionality as transmission list. See column 3,

lines 60-67);

a circuit unit configured to generate one of the data telegrams to be

transmitted, based on one of the first number of check data records in the

transmission list (Fig. 1, 202);

a second number of the check data records (Fig. 1, 112 and 113); and

an assignment unit configured to assign a received data telegram to one

of the second number of the check data records, wherein the assignment is

based on the identifier of the received data telegram (Based on the classification

data 112 or 113 are selected. See column 3, lines 32-67 and also, Fig. 1, 112

and 113).

**Regarding claim 10,** Pelissier teaches the communication system as claimed in claim 9, wherein the communication system comprises at least one of an Ethernet and real-time Ethernet (Column 3, lines 53-59).

**Regarding claim 12,** Pelissier teaches the communication system as claimed in claim 9, wherein the transmission list has at least one control data record, which determines the order of processing the first number of the check data records (In order to transmit real-time data the info should be transmitted in proper sequence. See column 1, lines 30-40 and column 3, lines 53-67).

**Regarding claim 13,** Pelissier teaches the communication system as claimed in claim 12, where the control data record includes a conditional jump address to a check data record of the first number of the check data records (Column 6, lines 51-58).

**Regarding claim 16,** Pelissier teaches the communication system as claimed in claim 9,

wherein check data records of the second number of the check data records are stored in groups (Column 6, lines 25-31);

wherein access to a check data record is effected by an index (Forwarding tale being accessed. See column 4, lines 16-20); and

wherein a group of the check data record is determined based on the identifier of the received data telegram (Column 4, lines 16-20).

**Regarding claim 17,** Pelissier teaches a method for transmitting and receiving

data telegrams (Fig. 2) by a subscriber of a communication system, wherein each of the

data telegrams has reference data and an identifier (Column 2, lines 65-67 also, column

4, lines 1), wherein a control of transmitting and receiving the data telegrams by the

subscriber is based on check data records, wherein a respective one of the check data

records has an address for the reference data and the identifier of a respective one of

the data telegrams that is assigned to the respective one of the check data records

(Based on classification of the packet and by utilizing existing forwarding tables

datagrams can be transmitted or received. See Column 3, lines 32-67), the method

comprising:

generating one of the data telegrams to be transmitted, based on one of a first

number of the check data records of a transmission list classification table has the same

functionality as transmission list. See column 3, lines 60-67); and

assigning a received data telegram to one of a second number of the check data

records, wherein the assignment is based on the identifier of the received data telegram

(Based on the classification data 112 or 113 are selected. See column 3, lines 32-67

and also, Fig. 1, 112 and 113).

**Regarding claim 19,** Pelissier teaches the method as claimed in claim 17,

wherein the order of processing the first number of the check data records is

determined by at least one control data record in the transmission list (In order to

transmit real-time data the info should be transmitted in proper sequence. See column

1, lines 30-40 and column 3, lines 53-67).

**Regarding claim 20,** Pelissier teaches the method as claimed in claim 17,

wherein a conditional jump to a check data record of the first number of the check data

records occurs when a condition for the check data record is satisfied (Column 6, lines

51-58).

**Regarding claim 22,** Pelissier teaches the method as claimed in claim 17,

wherein, for accessing a check data record from the second number of the check

data records (Column 3, lines 60-67), an index is accessed in order to ascertain a group

(Column 3, lines 60-67 and column 4, line1), to which the check data record belongs

(Column 3, lines 60-67 and column 4, line1); and

wherein the index is formed on the basis of the identifiers of the data telegrams

(Column 3, lines 60-67 and column 4, line1).


### Claim Rejections - 35 USC § 103

4.       The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.      Claims 3, 6, 7, 11, 14, 15, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelissier (US Patent No. 6,850,513) in view of Chamberlin (US Patent No. 4,326,247).

**Regarding claims 3, 11 and 18,** Pelissier teaches the subscriber, method and the communication system as claimed in claim 1. But fails to teach the subscriber wherein the transmission list is processed within a cycle. However, Chamberlin teaches the subscriber, method and the communication system wherein the transmission list is processed within a cycle (Column 8, lines 53-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subscriber, method and the communication system taught by Pelissier to include a cycle counter disclosed by Chamberlin in order to control the transmission time within a period.

**Regarding claims 6 and 14,** Pelissier teaches the subscriber and the communication system as claimed in claim 5. But fails to teach the subscriber and the

communication system that further comprising a cycle counter, wherein the control data record is formed such that a jump to the jump address occurs in every nth cycle. However, Chamberlin teaches the subscriber and the communication system that further comprising a cycle counter, wherein the control data record is formed such that a jump to the jump address occurs in every nth cycle (Column 8, lines 53-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subscriber and the communication system taught by Pelissier to include jump address disclosed by Chamberlin in order to be able to point to an address in the table.

**Regarding claims 7 and 15,** Pelissier teaches the subscriber and the communication system as claimed in claim 6. But fails to teach the subscriber and the communication system wherein the control data record is in a form such that the nth cycle is chosen by masking bit positions of a cycle number. However, Chamberlin teaches the subscriber and the communication system wherein the control data record is in a form such that the nth cycle is chosen by masking bit positions of a cycle number (Column 6, line 2, column 8, lines 53-65 and also see column 9, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subscriber and the communication system taught by Pelissier to include fetching jump address from memory based on the cycle disclosed by Chamberlin in order to be able to process the transmission list.

**Regarding claim 21,** Pelissier teaches the method as claimed in claim 20. But fails to teach a method that further comprising checking for satisfaction of the condition

based on a cycle counter. However, Chamberlin teaches a method that further

comprising checking for satisfaction of the condition based on a cycle counter (Fig. 1,

21) and column 8, lines 53-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method taught by Pelissier to include cycle

counter disclosed by Chamberlin in order to be able to fetch the jump address.

## *Conclusion*

6.     Any responses to this Office Action should be faxed to (571) 273-8300 or mailed

to:

                         Commissioner for Patent
                         P.O. Box 1450
                         Alexandria, VA 22313-1450

                         **Hand-delivered responses should be brought to**
                         Customer Service Window
                         Randolph Building
                         401 Dulany Street
                         Alexandria, VA 22314

7.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NIMA MAHMOUDZADEH whose telephone number is

(571)270-3527.  The examiner can normally be reached on Monday - Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nima Mahmoudzadeh
AU 2619

CHIRAG G. SHAH
PRIMARY PATENT EXAMINER